

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHAWN SHUMATE,

CV. 07-1175-KI

Plaintiff,

ORDER

v.

DON MILLS, et al.,

Defendants.

KING, Judge

Plaintiff has filed a document (#12) captioned "Complaint on Defendants Attorney" wherein he complains that defense counsel has sent legal mail to him without stamping the envelope "Legal Mail". As a result, plaintiff's legal mail allegedly has been opened and inspected by prison officials. I construe plaintiff's document as a motion for preliminary injunction to require defendants to stamp their mail to plaintiff with the words "Legal Mail".

The motion is denied on the basis that plaintiff failed to include a certificate of service demonstrating that the motion was served on opposing counsel, or make a showing as to why service of

the motion should not be required. See Fed. R. Civ. P. 65(a)(1) & (b).

CONCLUSION

Based on the foregoing, plaintiff's motion for preliminary injunction (#12) is DENIED.

IT IS SO ORDERED.

DATED this 8th day of February, 2008.

/s/ Garr M. King
Garr M. King
United States District Judge